FA No. 86 of 2001
(Old No. 393/1997)
**Hon'ble B.C. Kandpal, J.**
(Urgency Application No. 706 of 2006)

Heard learned counsel for the appellant on the urgency application and perused the affidavit filed in support thereto.

I find sufficient ground to allow the urgency application.

Accordingly, the urgency application is allowed.

Put up the appeal today itself for hearing.

Heard Sri J.P. Joshi, learned Standing Counsel for the appellant and Sri Niranjan Bhatt, learned counsel for the respondents and perused the record.

Learned counsel for both the parties have submitted that since the controversy involved in the first appeal is squarely covered by a Judgment rendered by Hon'ble Justice P.C. Pant, J. in the case of State of U.P. & another Vs Shri Kuttu Ram Amoly passed in First Appeal No. 80 of 2001 which was decided on 01.03.2006, hence the appeal in hand may be disposed of in the same terms.

In view of the submission advanced by earned counsel for the parties as well as in view of the aforesaid decision rendered by the learned Single Judge of this Court, the appeal is partly allowed. The compensation shall be paid to the respondent after making deduction 33-1/3% instead of 25% deduction. No order as to costs.

**(B.C. Kandpal, J.)**

07.12.2006
ASWAL